

AGENDA - COUNCIL MEETING - TUESDAY - AUGUST 30, 2011 - 1:30 P. M.
COUNCIL CHAMBER - SECOND FLOOR - CITY HALL
901 BAGBY - HOUSTON, TEXAS

with notes of action taken

MOTIONS – 2011-0683 to 2011-0704
ORDINANCES - 2011-0754 to 2011-0766
RESOLUTION – None

2011-0682-1

PRAYER AND PLEDGE OF ALLEGIANCE - Council Member Stardig

1:30 P. M. - ROLL CALL

ADOPT MINUTES OF PREVIOUS MEETING

2:00 P. M. - PUBLIC SPEAKERS - Pursuant to City Council Rule 8, City Council will hear from members of the public; the names and subject matters of persons who had requested to speak at the time of posting of this Agenda are attached; the names and subject matters of persons who subsequently request to speak may be obtained in the City Secretary's Office

Motion 2011-0683 – Procedural motion
Motion 2011-0684 – Procedural motion
Motion 2011-0685 – Procedural motion
Motion 2011-0686 – Procedural motion
Motion 2011-0687 – Procedural motion

5:00 P. M. - RECESS

RECONVENE

WEDNESDAY - AUGUST 31, 2011 - 9:00 A. M.

DESCRIPTIONS OR CAPTIONS OF AGENDA ITEMS WILL BE READ BY THE
CITY SECRETARY PRIOR TO COMMENCEMENT

Motion 2011-0688 – Accept report

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBERS 1 and 2

1. Motion 2011-0689

REQUEST from Mayor for confirmation of the reappointment of **MR. J. KENT FRIEDMAN** as Chair of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, for a term to expire August 31, 2013

2. Motion 2011-0690

RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Houston Permitting Center - **DISTRICT H - GONZALEZ**

ACCEPT WORK - NUMBERS 3 through 6

3. Motion 2011-0691

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,918,016.85 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Whiteheather Storm Sewer Improvements Segment II 6.40% under the original contract amount - **DISTRICT D - ADAMS**

4. Motion 2011-0692

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,937,326.79 and acceptance of work on contract with **TEXAS REEXCAVATION, L.C.** for Wastewater Collection System Rehabilitation and Renewal 0.001% under the original contract amount

5. Motion 2011-0693

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,899,483.80 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for FY 09 Water Distribution System Rehabilitation and Renewal 0.73% under the original contract amount

6. Motion 2011-0694

RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,129,916.14 and acceptance of work on contract with **R W L CONSTRUCTION, INC** for FY 10 Fire Hydrant Replacement - 0.076% under the original contract amount

PROPERTY - NUMBERS 7 through 10

7. Motion 2011-0695

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Karl A. Karim Family Irrevocable Trust, et al., Cause No. 984,297; for acquisition of Parcel AY9-426 and KY10-135; for the **LONG POINT RECONSTRUCTION PROJECT, (Pech - Hollister)** - **DISTRICT A - STARDIG**

8. Motion 2011-0696

RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay the costs of Court and withdraw City's objections to the award in connection with eminent domain proceeding styled City of Houston v. Norma West, et al., Cause No. 984,951; for acquisition of Parcel AY10-064; for the **ELLA BOULEVARD (WHEATLEY) PAVING PROJECT, (Little York - W. Gulf Bank)** - **DISTRICT B - JOHNSON**

PROPERTY - continued

9. Motion 2011-0697

RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Matthew Sigmon, on behalf of Dawn Fudge, for abandonment and sale of Chapman Street, from Nance Street to its terminus, in exchange for the conveyance to the City of a full-width utility easement, adjacent to Lots 1 and 12, Block 4, Richey Addition, out of the John Austin Survey, A-1, Parcels SY11-114, SY12-002, VY12-012 and VY12-013 - **DISTRICT H - GONZALEZ**

10. Motion 2011-0698

RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY11-042, located at 4816 Clinton Drive, owned by Jim R. Neatherlin and Connie Neatherlin, for the **MANCHESTER JAPHET CORNER CLIP/CLINTON AT JAPHET DRIVE PROJECT - DISTRICT H - GONZALEZ**

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 and 12

11. Motion 2011-0699

NWN CORPORATION for Citywide Cisco® SMARTnet™ Maintenance Agreement through the City's Master Agreement with Texas Department of Information Resources for Information Technology Department - 1 Year - \$1,172,168.50 - Central Service Revolving Fund

12. Motion 2011-0700

HD SUPPLY WATERWORKS for Water Service Connections for the Department of Public Works & Engineering - 5 Years - \$1,983,029.80 - Enterprise Fund

ORDINANCES - NUMBERS 13 through 24

13. Council Member Johnson tagged

ORDINANCE appropriating \$10,000,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **HOUSTON AIRPORTS PROGRAM MANAGEMENT TEAM** for Professional Program Management Services for the Houston Airport System (Project No. 697) - 5 Years with one three-year option - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ**

14. Ordinance 2011-0754

ORDINANCE authorizing the transfer of funds from the adopted Fiscal Year 2012 Budget of the Municipal Courts Department to the adopted Fiscal Year 2012 Budget of the Information Technology Department; authorizing funds expenditures thereof in order to implement the IT consolidation process

15. Ordinance 2011-0755

ORDINANCE awarding contract to **GT FIRE EQUIPMENT COMPANY, INC dba AAA FIRE EQUIPMENT COMPANY** for Portable Fire Extinguisher and Fire Hose Inspection, Maintenance and Hydrostatic Testing Services for Various Departments - 3 Years with 2 one-year options \$705,104.75 - General, Enterprise and Stormwater Funds

16. Council Member Sullivan tagged

ORDINANCE amending Ordinance No. 2010-0317, as amended, to increase the maximum contract amount for contract between the City of Houston and **SIEMENS INDUSTRY, INC f/k/a SIEMENS BUILDING TECHNOLOGIES, INC**; appropriating \$420,000.00 out of General Improvement Consolidated Construction Fund; approving and authorizing first amendment to the Energy Savings Performance Contract for Energy Conservation Measures - **DISTRICTS B - JOHNSON and D - ADAMS**

ORDINANCES - continued

17. Ordinance 2011-0756

ORDINANCE appropriating \$550,000.00 out of General Improvement Consolidated Construction Fund, \$300,000.00 out of Parks Consolidated Construction Fund, and \$100,000.00 out of Solid Waste Consolidated Construction Fund for Professional Environmental Consulting Services Task Order Program; and amending City of Houston Ordinance No. 2009-0492, to increase the maximum contract amount to **ENVIRONMENTAL CONSULTING SERVICES, INC, HONESTY ENVIRONMENTAL SERVICES, INC, PROFESSIONAL SERVICE INDUSTRIES, INC, TECHNOLOGY SERVING PEOPLE, INC, ENVIRONMENTAL SOLUTIONS, INC, WESTON SOLUTIONS, INC, TERRACON CONSULTANTS, INC, GARNER & ASSOCIATES, INC and EFI GLOBAL, INC**

18. Ordinance 2011-0757

ORDINANCE appropriating \$2,480,123.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Metro Central, Turkey Creek, Keegans Bayou and Greenridge Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN and G - PENNINGTON**

19. Ordinance 2011-0758

ORDINANCE appropriating \$1,725,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CP&Y, INC** for 69th Street Wastewater Treatment Plant Improvements; providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

20. Ordinance 2011-0759

ORDINANCE appropriating \$2,500,430.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BINKLEY & BARFIELD, INC** for the 69th Street Wastewater Treatment Plant Improvements (Packages 5 & 6); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - RODRIGUEZ**

21. Ordinance 2011-0760

ORDINANCE appropriating \$230,000.00 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** for Local Drainage Project Negotiated Work Orders (Approved by Ordinance No. 2010-0230); providing funding for CIP Cost Recovery relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund

22. Ordinance 2011-0761

ORDINANCE appropriating \$1,257,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, LTD.** for Riverwood Estates No. 2 Lift Station Diversion; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON**

ORDINANCES - continued

23. Ordinance 2011-0762

ORDINANCE appropriating \$2,151,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PEPPER-LAWSON CONSTRUCTION, L.P.**, for Security Entrances and Truck Turnaround Lanes at East Water Purification Plant; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, CIP Cost Recovery, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - SULLIVAN**

24. Ordinance 2011-0747 – Passed second reading

ORDINANCE No. 2011-747, passed first reading August 24, 2011

ORDINANCE granting to **DANIEL HOLDEN d/b/a MR. PUMPER SEWER SERVICE, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING**

END OF CONSENT AGENDA

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

NON CONSENT AGENDA - NUMBER 25

MISCELLANEOUS

25. Motion 2011-0701

MOTION to set a date not less than seven days from August 31, 2011 to receive nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term

MATTERS HELD - NUMBERS 26 through 29B

26. Ordinance 2011-0763

ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to School Vehicles operating as vehicles for hire
TAGGED BY COUNCIL MEMBER JOHNSON
This was Item 12 on Agenda of August 24, 2011

27. Ordinance 2011-0764

ORDINANCE approving and authorizing an Interlocal Pilot Service Agreement for DUI/DWI Toxicology and DNA Testing between the City of Houston and **HARRIS COUNTY**; establishing a maximum contract amount - \$206,250.00 - General Fund
TAGGED BY COUNCIL MEMBERS JONES and HOANG
This was Item 18 on Agenda of August 24, 2011

28. Ordinance 2011-0765

ORDINANCE approving and authorizing second amendment to contract for Delinquent Collection Services for the Municipal Courts Department between the City and **LINEBARGER, GOGGAN, BLAIR & SAMPSON, LLP** to modify certain terms of the contract
TAGGED BY COUNCIL MEMBER HOANG
This was Item 19 on Agenda of August 24, 2011

MATTERS HELD – continued

29. Motion 2011-0702 – Adopt

WRITTEN Motion by Council Member Bradford to amend Item 29B below as follows:

Sec. 15-177. Hire Houston First Program—Purchases of personal property.

(a) *Contracts of \$100,000 or more.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within three percent of the lowest bid price received by the city from a bidder who is not a city business, the city ~~may shall, subject to the provisions of section 15-181,~~ enter into a contract with a value of \$100,000 or more with:

- (1) The lowest bidder; or
- (2) The bidder that is a city business, as defined in this article.

(b) *Contracts under \$100,000.* In purchasing any personal property that is not affixed to real property, if the city receives one or more bids from a bidder that is a city business and whose bid is within five percent of the lowest bid price received by the city from a bidder that is not a city business, the city ~~may shall, subject to the provisions of section 15-181,~~ enter into a contract for an expenditure of less than \$100,000 with:

- (1) The lowest bidder; or
- (2) The bidder that is a city business, as defined in this article.

and

Sec. 15-178. Hire Houston First Program—Purchases of services.

(a) In procuring services, including construction services, the contracting department ~~may shall,~~ subject to the provisions of section 15-181, grant a preference to a local business. In no event shall a contract for services be granted to a local business that is not within:

- (1) Five percent of the lowest bidder for contracts under \$100,000; or
- (2) Three percent of the lowest bidder for contracts of \$100,000 or more.

(b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex. Gov't Code, Sec. 2254.004, the contracting department may, when appropriate, consider the status of a provider as a local business as part of the qualifications determination.

and

Sec. 15-179. Hire Houston First Program—Purchases under \$50,000.

Subject to Texas Government Code §2254.004, when procuring goods or services valued at less than \$50,000 that are not the subject of a blanket purchase order or contract, the City shall, subject to the requirements of section 15-181, select vendors and services providers with a principal place of business in the local area, provided that any such vendor's bid is no more than five percent greater than the lowest bid, in the event the lowest bid is from one other than a city business or a local business.

TAGGED BY COUNCIL MEMBER JONES

a. WRITTEN Motion by Council Member Costello to amend Item 29B below as follows:

Section 15-178. Hire Houston First Program – Purchases of services.

(b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex. Gov't Code, Sec. 2254.004, the contracting department may, when appropriate, consider the status of a provider as a local business as part of the qualifications determination. For purposes of this subsection, "principal place of business" may also, as an alternative to the definition in section 15-156 of this article, include a business that certifies that it has adequate full-time staff, equipment, and other resources in the local area to complete 80% or more of the scope of work.

TAGGED BY COUNCIL MEMBER JONES

Motion 2011-0703 – Motion by Council Member Bradford/seconded by Council Member Castillo to amend Item 29a to change the word "may" to "shall."

MATTERS HELD – continued

Item 29 - continued

Motion 2011-0704 – Motion to amend Item 29a as follows:

“Section 15-178. Hire Houston First Program – Purchases of services.

- (b) In procuring architectural, engineering or land surveying services under the Professional Services Procurement Act, Tex. Gov't Code, Sec. 2254.004, the contracting department may, when appropriate, consider ~~the status of a provider as a local business knowledge of local conditions~~ as part of the qualifications determination. – **Adopted**

b. Ordinance 2011-0766 – Adopt as amended

ORDINANCE ADDING ARTICLE XI, HIRE HOUSTON FIRST, TO CHAPTER 15, CONTRACTS, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to local contracting preferences

TAGGED BY COUNCIL MEMBER JONES

This was Item 33B on Agenda of August 24, 2011

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Costello first

ALL ORDINANCES ARE TO BE CONSIDERED ON AN EMERGENCY BASIS AND TO BE PASSED ON ONE READING UNLESS OTHERWISE NOTED, ARTICLE VII, SECTION 7, CITY CHARTER

NOTE - WHENEVER ANY AGENDA ITEM, WHETHER OR NOT ON THE CONSENT AGENDA, IS NOT READY FOR COUNCIL ACTION AT THE TIME IT IS REACHED ON THE AGENDA, THAT ITEM SHALL BE PLACED AT THE END OF THE AGENDA FOR ACTION BY COUNCIL WHEN ALL OTHER AGENDA ITEMS HAVE BEEN CONSIDERED

CITY COUNCIL RESERVES THE RIGHT TO TAKE UP AGENDA ITEMS OUT OF THE ORDER IN WHICH THEY ARE POSTED IN THIS AGENDA. ALSO, AN ITEM THAT HAS BEEN TAGGED UNDER CITY COUNCIL RULE 4 (HOUSTON CITY CODE §2-2) OR DELAYED TO ANOTHER DAY MAY BE NEVERTHELESS CONSIDERED LATER AT THE SAME CITY COUNCIL MEETING

8/30/2011 – Council Member Lovell absent on personal business

8/31/2011 – Council Member Noriega absent on personal business